

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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CRAIG MOSKOWITZ, individually and on  
behalf of all others similarly situated,

Case No.: 2:14-cv-06010-LDW-AKT

Plaintiff,

v.

PULLIN LAW FIRM, P.C., a New York  
corporation,

Defendant.

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**DECLARATION OF MATTHEW J. FOGELMAN**

I, Matthew J. Fogelman, hereby aver, pursuant to 28 U.S.C. § 1746, that I have personal knowledge of all matters set forth herein unless otherwise indicated, and would testify thereto if called as a witness in this matter.

1. I am an adult over the age of 18 and a resident of the Commonwealth of Massachusetts. I am an attorney with the law firm Fogelman & Fogelman, LLC, which has offices in Massachusetts and in New York City. I am licensed to practice law in the Eastern District of New York and am one of the attorneys representing the Plaintiff in this matter. I am fully competent to make this Declaration and make such Declaration in support of Plaintiffs' Memorandum of Law in Support of His Motion for Class Certification and for a Temporary Stay of Further Proceedings on that Motion.

2. I have in-depth knowledge of the substantive law at issue in this case. I have more than 12 years of experience as a litigator and have represented plaintiffs as Class Counsel in consumer class actions in various state and federal courts. *See, e.g., Perry et al. v. Equity Residential Mgmt., LLC*, No. 12-10779-RWZ (D. Mass.); *Heien v.*

*Archstone*, No. 12-11079-RGS (D. Mass); *Kinsella & Cohen v. Seaport Apartments*, 12-2408 consolidated with 12-2558 (Suffolk Superior Court, Business Litigation Session, Massachusetts); *Hermida v. Archstone*, No. 10-12083-WGY (D. Mass); *Dion v. Steve's Lakeview*, 09-00652 (Norfolk Superior Court, Massachusetts).

3. In addition to my class action experience, I have extensive experience in complex commercial litigation and have regularly litigated cases in state and federal trial courts.

4. I graduated with a B.A. in English from Wesleyan University in 1997 and I graduated from Boston College Law School *cum laude* in 2002. I was first admitted to practice in 2002 by the Supreme Judicial Court of Massachusetts.

5. The attorneys of Fogelman & Fogelman, LLC have extensive experience in prosecuting class actions and other complex litigation of a similar nature, scope and complexity as the instant matter. The attorneys of Fogelman & Fogelman, LLC have intimate knowledge of the law in the field of telecommunications and cellular telephone technology, including cases arising under the TCPA.

6. Fogelman & Fogelman, LLC has diligently investigated the facts and claims in this matter and will continue to diligently investigate and prosecute this matter. Fogelman & Fogelman, LLC has also dedicated substantial resources to this matter and will continue to do so. Fogelman & Fogelman, LLC has the financial resources necessary to fully prosecute this action through trial and to provide the necessary and appropriate notice to the class members should this proposed class be certified.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 15, 2014.

/s/ Matthew J. Fogelman  
Matthew J. Fogelman